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In re Application of :
SHAPIRO, Howard K. :
Application No.: 09/194,619 : DECISION
PCT No.: PCT/US96/13850 :
Int. Filing Date: 29 August 1996 :
Priority Date: 01 September 1995 :
Attorney's Docket No.: P-1018 :
For: METHODS AND COMPOSITIONS FOR :
DEVELOPMENT OF DRUG SCREENING :
PROCEDURES AND DIAGNOSTIC TOOLS :

This decision is in response to applicant's "LETTER BY APPLICANT RESPONSIVE TO 37 CFR 1.495 AND 35 U.S.C. 371 FORMALITIES LETTER NOTIFICATION OF ABANDONMENT ISSUED 07/20/04" filed in the United States Patent and Trademark Office (USPTO) on 14 October 2004, which has been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 07 July 2003, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (FORM PCT/DO/EO/905) indicating, *inter alia*, that the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date and fees for additional claims were required.

On 20 July 2004, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to timely respond to the Notification mailed 07 July 2003.

On 05 May 2003, applicants filed the instant "LETTER BY APPLICANT RESPONSIVE TO 37 CFR 1.495 AND 35 U.S.C. 371 FORMALITIES LETTER NOTIFICATION OF ABANDONMENT ISSUED 07/20/04", which has been treated as a petition under 37 CFR 1.181.

DISCUSSION

The petition under 37 CFR 1.181 in effect requests that the NOTIFICATION OF ABANDONMENT mailed 20 July 2004 be vacated because applicant had timely responded to the NOTIFICATION OF MISSING REQUIREMENTS. A response from applicant was received in the USPTO on 25 August 2003. The response did include the surcharge under 37 CFR

1.492(e) and the fees for additional claims. Accordingly, the NOTIFICATION OF ABANDONMENT mailed 20 July 2004 is hereby VACATED.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

For the reasons set forth above, the NOTIFICATION OF ABANDONMENT mailed 20 July 2004 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.



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